

MONTANA LEGISLATIVE HISTORY

Chapter 355 19 93

Bill H _____ S _____ Original bill & history ✓ C

H. Committee on Nat. Resources

Hearing Date(s) 2/10 ✓ C

2/11 ✓ C

_____ C

_____ C

Date Out _____ C

S. Committee on Nat. Resources

Hearing Date(s) 3/24 ✓ C

3/26 ✓ C

_____ C

_____ C

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

CONTENTS

xlvi

Chapter

Page

- THE BONDS TO BE ISSUED; PROVIDING A METHOD FOR ALLOCATING ENERGY COST SAVINGS; AMENDING SECTION 90-4-607, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1146
- 351 (*House Bill No. 281; Grady*) AN ACT GENERALLY REVISING THE LAWS RELATING TO SNOWMOBILES; EXEMPTING RACING SNOWMOBILES FROM CERTIFICATION AND REGISTRATION REQUIREMENTS; PROVIDING FOR REGISTRATION OF A SNOWMOBILE OWNED AND OPERATED SOLELY AS A COLLECTOR'S ITEM; AMENDING SECTIONS 23-2-602, 23-2-611, 23-2-615, 23-2-616, 23-2-619, 23-2-632, 23-2-634, 23-2-635, 23-2-641, 23-2-642, AND 23-2-654, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1149
- 352 (*House Bill No. 283; Elliott*) AN ACT GENERALLY REVISING THE CIGARETTE TAX LAWS; APPLYING THE CIGARETTE SALES TAX TO ALL USE AND CONSUMPTION OF CIGARETTES ON AN INDIAN RESERVATION; PROVIDING AN EXCEPTION TO THE TAX FOR USE AND CONSUMPTION OF CIGARETTES BY A MEMBER OF AN INDIAN TRIBE ON AN INDIAN RESERVATION; PROVIDING A REFUND OR CREDIT TO A WHOLESALE FOR TAXES PAID ON CIGARETTES SOLD TO A TRIBAL MEMBER; REQUIRING THE DEPARTMENT OF REVENUE TO SHARE REVENUE WITH A TRIBAL GOVERNMENT THAT HAS ENACTED A CIGARETTE TAX SIMILAR TO THE STATE TAX; PROVIDING A CIVIL PENALTY FOR THE UNAUTHORIZED POSSESSION OR TRANSPORTATION OF UNSTAMPED CIGARETTES; PROVIDING FOR SEARCH, SEIZURE, AND FORFEITURE OF UNSTAMPED CIGARETTES; PROVIDING FOR A DISTRIBUTION OF PROCEEDS FROM A SALE OF PROPERTY SEIZED; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS 16-11-111, 16-11-131, 16-11-147, AND 17-7-502, MCA; AND PROVIDING EFFECTIVE DATES AND AN APPLICABILITY DATE 1159
- 353 (*House Bill No. 307; DeBruycker*) AN ACT AUTHORIZING THE DEPARTMENT OF JUSTICE TO ADOPT RULES ALLOWING NEW AMUSEMENT GAMES TO BE OFFERED FOR PLAY AND PLAYED; AND AMENDING SECTION 23-6-104, MCA 1166
- 354 (*House Bill No. 401; Kadas*) AN ACT AUTHORIZING THE ISSUANCE OF A LOAN TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES FROM THE COAL SEVERANCE TAX PERMANENT FUND TO BE APPROPRIATED FOR TECHNICAL, LEGAL, AND ADMINISTRATIVE ACTIVITIES FOR THE STATE OF MONTANA NATURAL RESOURCE DAMAGE LITIGATION IN THE CLARK FORK RIVER BASIN AND OTHER POTENTIAL SITES IN THE STATE; REAUTHORIZING THE 1992-93 BIENNIAL INTERENTITY LOAN FROM THE GENERAL FUND AS A LOAN FROM THE COAL SEVERANCE TAX PERMANENT FUND; EXTENDING REPAYMENT OF THE LOANS THROUGH THE 1995 BIENNIAL IN ACCORDANCE WITH SECTION 17-2-107, MCA; REQUIRING AN IRREVOCABLE AGREEMENT TO REPAY THE COAL SEVERANCE TAX PERMANENT FUND FROM ANY AMOUNT RECOVERED IN THE LITIGATION; AMENDING SECTION 17-6-310, MCA; AND PROVIDING AN EFFECTIVE DATE 1172
- 355 (*House Bill No. 423; Gilbert*) AN ACT CLARIFYING THE PETROLEUM TANK RELEASE COMPENSATION BOARD HEARING REQUIREMENTS FOR REIMBURSEMENT OF ELIGIBLE COSTS; AND AMENDING SECTION 75-11-309, MCA 1174
- 356 (*House Bill No. 494; Dowell*) AN ACT GENERALLY REVISING THE SPECIAL EDUCATION LAWS TO COMPLY WITH THE REQUIRE-

	TRANSMITTED TO SENATE		
3/01	FIRST READING		
3/01	REFERRED TO BUSINESS & INDUSTRY		
3/24	HEARING		
3/29	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/31	2ND READING CONCURRED AS AMENDED	37	9
4/01	3RD READING CONCURRED	40	8
	RETURNED TO HOUSE WITH AMENDMENTS		
4/06	2ND READING AMENDMENTS CONCURRED	83	16
4/12	3RD READING AMENDMENTS CONCURRED	90	10
4/19	SIGNED BY SPEAKER		
4/20	SIGNED BY PRESIDENT		
4/21	TRANSMITTED TO GOVERNOR		
4/22	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 487		
	EFFECTIVE DATE: 10/01/93		

HB 423 INTRODUCED BY GILBERT, ET AL.

CLARIFY PETROLEUM TANK RELEASE COMPENSATION BOARD HEARING REQUIREMENTS

2/02	INTRODUCED		
2/02	REFERRED TO NATURAL RESOURCES		
2/02	FIRST READING		
2/10	HEARING		
2/13	COMMITTEE REPORT—BILL PASSED		
2/15	2ND READING PASSED	97	0
2/17	3RD READING PASSED	98	2
	TRANSMITTED TO SENATE		
2/20	FIRST READING		
2/20	REFERRED TO NATURAL RESOURCES		
3/24	HEARING		
3/27	COMMITTEE REPORT—BILL CONCURRED		
3/31	2ND READING CONCURRED	49	0
4/01	3RD READING CONCURRED	45	3
	RETURNED TO HOUSE		
4/07	SIGNED BY SPEAKER		
4/08	SIGNED BY PRESIDENT		
4/13	TRANSMITTED TO GOVERNOR		
4/16	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 355		
	EFFECTIVE DATE: 10/01/93		

HB 424 INTRODUCED BY SPRING, ET AL.

ALLOW USE OF SPECIAL EDUCATION TUITION FOR PROGRAMS, NOT FOR LEVY REDUCTION

2/02	INTRODUCED		
2/02	REFERRED TO EDUCATION & CULTURAL RESOURCES		
2/02	FIRST READING		
2/08	HEARING		
2/09	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/12	2ND READING PASSED	95	1
2/15	3RD READING PASSED	95	1
	TRANSMITTED TO SENATE		
2/20	FIRST READING		
2/20	REFERRED TO EDUCATION & CULTURAL RESOURCES		
3/10	HEARING		
3/19	TABLED IN COMMITTEE		

HOUSE BILL NO. 423

INTRODUCED BY GILBERT, SPRING

IN THE HOUSE

FEBRUARY 2, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON NATURAL RESOURCES.

FIRST READING.

FEBRUARY 13, 1993

COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

PRINTING REPORT.

FEBRUARY 15, 1993

SECOND READING, DO PASS.

FEBRUARY 16, 1993

ENGROSSING REPORT.

FEBRUARY 17, 1993

THIRD READING, PASSED.
AYES, 98; NOES, 2.

FEBRUARY 18, 1993

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 20, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON NATURAL RESOURCES.

FIRST READING.

MARCH 27, 1993

COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 31, 1993

SECOND READING, CONCURRED IN.

APRIL 1, 1993

THIRD READING, CONCURRED IN.
AYES, 45; NOES, 3.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 2, 1993

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 423
2 INTRODUCED BY Dillant Spring
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE
5 PETROLEUM TANK RELEASE COMPENSATION BOARD HEARING
6 REQUIREMENTS FOR REIMBURSEMENT OF ELIGIBLE COSTS; AND
7 AMENDING SECTION 75-11-309, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 75-11-309, MCA, is amended to read:

11 "75-11-309. Procedures for reimbursement of eligible
12 costs. (1) An owner or operator seeking reimbursement for
13 eligible costs and the department shall comply with the
14 following procedures:

15 (a) If an owner or operator discovers or is provided
16 evidence that a release may have occurred from his the
17 owner's or operator's petroleum storage tank, he the owner
18 or operator shall immediately notify the department of the
19 release and conduct an initial response to the release in
20 accordance with state and federal laws and rules to protect
21 public health and safety and the environment.

22 (b) The owner or operator shall conduct a thorough
23 investigation of the release, report the findings to the
24 department, and, as determined necessary by the department,
25 prepare and submit for approval by the department a

1 corrective action plan that conforms with state, tribal
2 (where applicable), and federal corrective action
3 requirements.

4 (c) (i) The department shall review the corrective
5 action plan and forward a copy to a local government office
6 and, where applicable, a tribal government office with
7 jurisdiction over a corrective action for the release. The
8 local or tribal government office shall inform the
9 department if it wants any modification of the proposed
10 plan.

11 (ii) Based on its own review and comments received from
12 a local government, tribal government, or other source, the
13 department may approve the proposed corrective action plan,
14 make or request the owner or operator to modify the proposed
15 plan, or prepare its own plan for compliance by the owner or
16 operator. A plan finally approved by the department through
17 any process provided in this subsection (c) is the approved
18 corrective action plan.

19 (iii) After the department approves a corrective action
20 plan, a local government or tribal government may not impose
21 different corrective action requirements on the owner or
22 operator.

23 (d) The department shall notify the owner or operator
24 and the board of its approval of a corrective action plan.

25 (e) The owner or operator shall implement the approved

1 plan. The department may oversee the implementation of the
2 plan, require reports and monitoring from the owner or
3 operator, undertake inspections, and otherwise exercise its
4 authority concerning corrective action under Title 75,
5 chapter 10, parts 4 and 7, and other applicable law and
6 rules.

7 (f) The owner or operator shall document in the manner
8 required by the board all expenses incurred in preparing and
9 implementing the corrective action plan. The owner or
10 operator shall submit claims and substantiating documents to
11 the board in the form and manner required by the board. The
12 board shall forward each claim and appropriate documentation
13 to the department. The department shall notify the board of
14 any costs that the department considers not reimbursable
15 because of any failure to meet the requirements of
16 subsection (2). The department shall inform the owner or
17 operator of any notification given to the board.

18 (g) The owner or operator shall document, in the manner
19 required by the board, any payments to a third party for
20 bodily injury or property damage caused by a release. The
21 owner or operator shall submit claims and substantiating
22 documents to the board in the form and manner required by
23 the board.

24 (2) The board shall review each claim received under
25 subsections (1)(f) and (1)(g), make the determination

1 required by this subsection, inform the owner or operator of
2 its determination, and, as appropriate, reimburse the owner
3 or operator from the fund. Before approving a reimbursement,
4 the board shall affirmatively determine that:

5 (a) the expenses for which reimbursement is claimed:

6 (i) are eligible costs; and

7 (ii) were actually, necessarily, and reasonably incurred
8 for the preparation or implementation of a corrective action
9 plan approved by the department or for payments to a third
10 party for bodily injury or property damage; and

11 (b) the owner or operator:

12 (i) is eligible for reimbursement under 75-11-308; and

13 (ii) has complied with this section and any rules
14 adopted pursuant to this section.

15 (3) If an owner or operator disagrees with a board
16 determination under subsection (2), he the owner or operator
17 may submit a written request for a hearing before the board.
18 The hearing must be held at a meeting of the board or as
19 otherwise permitted under the Montana Administrative
20 Procedure Act no later than 120 days following receipt of
21 the request or at a time mutually agreed to by the board and
22 the owner or operator.

23 (4) The board shall obligate money for reimbursement of
24 eligible costs of owners and operators in the order that the
25 costs are finally approved by the board.

1 (5) (a) The board may, at the request of an owner or
2 operator, guarantee in writing the reimbursement of eligible
3 costs that have been approved by the board but for which
4 money is not currently available from the fund for
5 reimbursement.

6 (b) The board may, at the request of an owner or
7 operator, guarantee in writing reimbursement of eligible
8 costs not yet approved by the board, including estimated
9 costs not yet incurred. A guarantee for payment under this
10 subsection (5)(b) does not affect the order in which money
11 in the fund is obligated under subsection (4).

12 (c) When considering a request for a guarantee of
13 payment, the board may require pertinent information or
14 documentation from the owner or operator. The board may
15 grant or deny, in whole or in part, any request for a
16 guarantee."

-End-

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By DICK KNOX, CHAIRMAN, on February 10, 1993, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Dick Knox, Chairman (R)
Rep. Rolph Tunby, Vice Chairman (R)
Rep. Jody Bird (D)
Rep. Vivian Brooke (D)
Rep. Russ Fagg (R)
Rep. Gary Feland (R)
Rep. Mike Foster (R)
Rep. Bob Gilbert (R)
Rep. Hal Harper (D)
Rep. Scott Orr (R)
Rep. Bob Raney (D)
Rep. Dore Schwinden (D)
Rep. Jay Stovall (R)
Rep. Emily Swanson (D)
Rep. Howard Toole (D)
Rep. Doug Wagner (R)

Members Excused: None.

Members Absent: Reps. Brooke, Fagg, Schwinden, Swanson, Toole.

Staff Present: Todd Everts, Environmental Quality Council
Michael Kakuk, Environmental Quality Council
Roberta Opel, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 423, HB 318, HB 395, HB 380, HB 434
Executive Action: Berkeley Pit Resolution, HB 345, HB 417,
HB 420, HB 423

HEARING ON HB 423

Opening Statement by Sponsor:

REP. BOB GILBERT, HD 22, Sidney, presented HB 423, which would clarify the hearings procedure of the Tank Release Compensation Board.

Proponents' Testimony:

Jean Riley, Executive Director, Petroleum Tank Release Compensation Board, presented testimony in support of the legislation. EXHIBIT 1

EXHIBIT 2 provides an overview of the Montana Underground Storage Tank Program.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

The committee discussed the ramifications and changes contained in the legislation.

Closing by Sponsor:

REP. GILBERT closed the hearing on HB 423.

HEARING ON HB 318

Opening Statement by Sponsor:

REP. SHEILA RICE, HD 36, Great Falls, opened the hearing and explained the legislation's intent. The bill revises the laws relating to air quality, and authorizes the Department of Health and Environmental Sciences (DHES) to administer a program for issuing and renewing air quality operating permits.

Proponents' Testimony:

Jeff Chaffee, Air Quality Bureau, DHES, presented testimony containing an overview of the legislation. EXHIBIT 3

Jan Sensibaugh, Air Quality Bureau, DHES, briefly described how the legislation would affect the Department's permitting authority and Title 5 requirements.

Tim Baker, Air Quality Bureau, DHES, explained the enforcement authority aspects of the legislation and distributed a handout delineating 42 amendments proposed by the Department. EXHIBIT 4

Ken Williams, Montana Power Company, distributed amendments for the committee's consideration. EXHIBIT 5

Janelle Fallan, Montana Petroleum Association, submitted testimony and amendments for HB 318. EXHIBITS 6, 7, 8

Dennis Olson, Northern Plains Resource Council, handed out testimony from Mort Reid, Chairman of the Yellowstone Valley Citizen's Council and highlighted the testimony. EXHIBIT 9

bill.

EXECUTIVE ACTION ON HB 345

Motion: REP. FELAND MOVED HB 345 DO NOT PASS.

Motion/Vote: REP. GILBERT MOVED A SUBSTITUTE MOTION TO TABLE HB 345. Motion carried, with REPS. RANEY AND HARPER opposed.

EXECUTIVE ACTION ON HB 420

Motion: REP. HARPER MOVED HB 420 DO PASS.

Discussion: The committee debated the ramifications of the legislation.

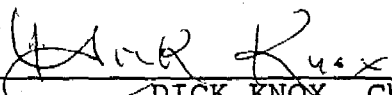
Vote: The motion failed 6 - 10, with REPS. BIRD, FAGG, FELAND, FOSTER, GILBERT, ORR, STOVALL, WAGNER, TUNBY AND KNOX voting against the bill.

EXECUTIVE ACTION ON HB 423

Motion/Vote: REP. GILBERT MOVED HB 423 DO PASS. Motion carried unanimously.

ADJOURNMENT

Adjournment: The meeting was adjourned at 7:30 pm.



DICK KNOX, Chairman


ROBERTA OPEL, Secretary


GAYLE CARPENTER, Transcriber

DK/ro

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
NATURAL RESOURCES COMMITTEE

ROLL CALL

DATE

2-10-93

NAME	PRESENT	ABSENT	EXCUSED
REP. DICK KNOX, CHAIRMAN	✓		
REP. ROLPH TUNBY, VICE CHAIRMAN	✓		
REP. JODY BIRD	✓		
REP. VIVIAN BROOKE		✓	
REP. RUSS FAGG		✓	
REP. GARY FELAND	✓		
REP. MIKE FOSTER	✓		
REP. BOB GILBERT	✓		
REP. HAL HARPER	✓		
REP. SCOTT ORR	✓		
REP. BOB RANEY	✓		
REP. DORE SCHWINDEN		✓	
REP. JAY STOVALL	✓		
REP. EMILY SWANSON		✓	
REP. HOWARD TOOLE		✓	
REP. DOUG WAGNER	✓		

HR:1993

wp.rollcall.man

CS-09

HOUSE STANDING COMMITTEE REPORT

February 11, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report
that House Bill 423 (first reading copy -- white) do pass.

Signed: _____
Dick Knox, Chair

Committee Vote:
Yes 16, No .

341156SC.Hgs

EXHIBIT 1
DATE 2-10-93
HB 423

Testimony on HB 423

Jean Riley
Petroleum Tank Release Compensation Board

The Petroleum Tank Release Compensation Board (Board) supports HB 423. This language allows the Board the option of conducting hearings as other Boards do. The Board could appoint a hearings officer to gather all pertinent information without the Board members present. The Board could then make a determination at a regular scheduled meeting after reviewing the information and recommendations. Presently all hearings have to be conducted at a Board meeting. This takes a substantial amount of time from other business such as claim reviews and eligibility determinations. The Board asks for your support on HB 423.

Thank you for your time.

OVERVIEW OF MONTANA UNDERGROUND STORAGE TANK PROGRAM

The Montana underground storage tank (UST) program has two major sub-programs, the UST leak prevention program and the leaking underground storage tank (LUST) corrective action response program. Both sub-programs work very closely with the state Petroleum Release Compensation Board to provide financial assistance to tank owners for leak response and corrective action expenses.

The UST leak prevention sub-program has the following functions:

1. UST Regulatory Program

This sub-program develops and administers the technical rules to implement the Montana Underground Storage Tank Act 75-10-405 MCA. These rules are similar to the federal EPA rules 40 CFR part 280 and outline the specifications of UST system construction, design, operation, repair and closure. They also include the requirements for tank notification, environmental site assessment, leak response and corrective action. The Montana UST rules deviate slightly from the federal requirements in that they also include heating oil tanks used for consumptive on the premises, farm and residential tanks of 1100 gallons or less used for non-commercial purposes and underground piping connected to above ground tanks. The state rules also require annual tank registration fees, provides for the issuance of registration certificates and tags and prohibits the placement of a regulated substance into an unregistered tank.

2. Permitting and Licensing of Installers and Inspectors

State law, 75-11-201 MCA requires the Department to establish a permit program for UST installations, repairs and closures. In addition, persons engaged in the business of tank installations, repairs or closures are required to obtain a license issued by the Department. The requirements for licensing require a minimum degree of UST experience and successful completion of a written examination on UST regulations and installation practices. Sixteen hours of continuing education credits (CEUs) are also required to be obtained by licensed UST installers, removers and inspectors during the three year term of their license.

Tank owners are required to obtain the services of a licensed installer/remover or may conduct their own work on their own tanks, if they have the work inspected by either a licensed local or state inspector. Licensed installers will also be spot inspected to insure their compliance with the UST rules. Permit and inspection fees are assessed to provide funding for state and local licensed inspectors to conduct these inspections. For enforcement purposes, local licensed inspectors must be employed by or contract with a local governmental unit to be eligible for reimbursement of inspection services.

2. Responsible Party (RP) Corrective Actions

Many UST owners are viable businessmen who have the financial ability to pay a reasonable amount of the costs of LUST corrective action. If a tank owner has liquid assets or capital equal to \$17,500 (homeowners - \$5,000) and have operated their UST system in compliance with state UST requirements, they are eligible to receive financial reimbursement from the Montana Petroleum Compensation (PETRO) Board. Our staff assists these RP tank owners in initiating corrective action for the remediation of their release and in preparing their financial reimbursement claims for submittal to the PETRO Board.

The functions of the Montana Petroleum Release Compensation Board

The UST/LUST program works very closely with the Petroleum Release Compensation (PETRO) Board to reimburse eligible tank owners for leak corrective action and remediation costs. State and federal UST rules requires owners of commercially used tanks to provide proof of insurance or financial responsibility coverage of either \$500,000 or \$1,000,000 to cover the costs associated with petroleum tank system releases. The Montana Petroleum Release Compensation Fund was established to assist tank owners in maintaining this level of financial responsibility coverage. The original PETRO compensation fund established in 1989 covered commercially operated underground storage tanks and aboveground petroleum storage tanks of up to 30,000 gallons. Legislation passed in the 1991 Legislative session expanded the coverage of the fund to include farm, residential and heating oil tanks. These non-commercial tanks are eligible for a maximum PETRO Fund reimbursement of \$500,000 compared to \$1,000,000 for commercial tanks. Tank owners must maintain their petroleum storage tanks in compliance with all applicable Montana statutes to be eligible for PETRO fund coverage. The leak prevention portion of the UST program assists the PETRO Board staff in determining if an applicant's UST system is in compliance with the applicable state statutes.

USTPROG.HOT

3. Local Governmental Units (LGUs)

Local governmental agencies such as fire departments or county health departments may apply to the Department for designation as a local implementing agency. LGUs will conduct routine compliance inspections of operational UST systems

A local governmental unit is defined by 16.45.101A (33) and 16.45.1202 (6) as "a city, town, county or fire district." A portion of the annual tank registration fees will be used to reimburse designated LGUs for inspection and enforcement services.

4. UST Data Base Management, Technical Resources, State Inspections and Enforcement

The functions of the state underground storage tank program include management of the database of all known tanks which have been notified to the Department. Information contained in this data-base includes tank ownership, contents, size, construction and release detection method installed. This database includes data on all known UST tanks and piping systems whether active, closed in place or removed. This information provides a valuable resource for property owners, insurance companies, lending institutions, planners and environmental health agencies.

The staff of the state UST program includes engineers, environmental specialists and hydrologists who are available as technical resources for tank owners and operators, the public and local governmental implementing agencies. The state staff also conducts compliance, installation, repair and closure inspections and initiates enforcement action through the program's attorney when necessary.

The LUST leak response and corrective action sub-program has the following functions:

1. LUST Trust Program

Each state is eligible to receive a portion of the federal lust trust fund to investigate and implement corrective actions of leaking underground storage tanks whose ownership is either unknown or the owner is incapable of funding the corrective action costs. These funds can only be used to investigate and remediate leaks associated with federal RCRA regulated underground storage tanks. The state staff provides both leak investigation activities and oversight of private consultants hired to conduct further leak remedial actions once the contamination source is identified. If LUST Trust funds are committed to a cleanup and a financially responsible party for the site is identified, cost recovery actions can be taken to recover the expended LUST Trust funds.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Natural Resources

COMMITTEE

BILL NO. H.B. 318, 423, 380

DATE 2/10/93 SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
ED Scott P.O. Box 4707 MSLA MT	STONE CONTAINER	X	
Kathy Hobst P.O. Box 2548 Blys Mt 59102	Conoco Refinery		
DAVE Williams Bill McClain	11		
GORDON BRONSON 2475 Broadway	MT. Society of Hosp. Eng.		X
Eric Vinson Environmental Bureau	MDT		
Dean Gillam U.S. Environmental Protection Agency			
William LAWRENCE PO BOX 895 Deer Lodge MT	Sure-Way Systems MT File		X HB 380
Gordon L. Larsen MDT Highway Division	MDT		
Dean R. King Petroleum Tank Release Comp. Bond	PTRCB	X HB 403	
REX MANUEL	CENEX	318	
Clay O'Connor	Champion Intl. Corp.	318	
Tim Baker	DHES	(318)	
Jeff Chetsee Anderson,baugh	DHES	(318)	
Don Herhan	Western Recovery Systems, Inc.	380	380 ✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE ----- REREFERRED ----- DATE READ

HB0318	RICE, SHEILA		GENERAL REVISION OF THE CLEAN AIR ACT OF MONTANA			
	2/22	3/24		CONCUR AS AMENDED 3/27		3/30
HB0365	ROSE, JOHN		TETON RIVER BASIN CLOSURE			
	2/20	3/22		CONCUR AS AMENDED 3/23		3/24
HB0374	EWER, DAVID		WATER QUALITY ADMINISTRATIVE PENALTY			
	2/22	3/26		CONCUR AS AMENDED 3/27		3/30
HB0380	EWER, DAVID		AMEND AIR QUALITY PERMIT REQUIREMENTS FOR INCINERATORS AND BIF'S			
	3/01	3/05		CONCUR 3/5		3/06
HB0388	GILBERT, BOB		WATER QUALITY FEES			
	4/01	4/05		CONCUR 4/12		4/12
HB0393	WAGNER, DOUGLAS		REPLACING TIMBER STAND IMPROVEMENT FEES WITH A FOREST IMPROVEMENT FEE			
	2/16	3/10		CONCUR 3/10	TAXATION	3/12
HB0395	FOSTER, MIKE		BASIN CLOSURE -- UPPER MISSOURI RIVER			
	3/01	3/22		CONCUR AS AMENDED 3/23		3/24
HB0408	FAGG, RUSSELL		GENERALLY REVISE THE MONTANA SUBDIVISION AND PLATTING ACT			
	2/22	3/19		CONCUR 3/26		3/27
HB0417	TUNBY, ROLPH		AUTHORITY FOR ADMINISTRATIVE PENALTIES FOR UNDERGROUND TANK VIOLATIONS			
	2/20	3/08		CONCUR 3/12		3/16
HB0419	GRADY, ED		HAZARDOUS WASTE ADMINISTRATIVE PENALTY			
	3/01	3/26		CONCUR AS AMENDED 3/27		3/30
HB0423	GILBERT, BOB		CLARIFYING THE PETROLEUM TANK RELEASE BOARD'S HEARING REQUIREMENTS			
	2/20	3/24		CONCUR 3/26		3/27
HB0442	KNOX, DICK		GENERALLY REVISING THE METAL MINE RECLAMATION ACT			
	2/20	3/17	3/26	CONCUR AS AMENDED 3/29		3/30

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Vice Chair Hockett, on March 24, 1993, at 3:21 p.m.

ROLL CALL

Members Present:

Sen. Bob Hockett, Vice Chair (D)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Lorents Grosfield (R)
Sen. Tom Keating (R)
Sen. Ed Kennedy (D)
Sen. Bernie Swift (R)
Sen. Henry McClernan (D)
Sen. Larry Tveit (R)
Sen. Cecil Weeding (D)
Sen. Jeff Weldon (D)

Members Excused: Sen. Don Bianchi, Chair (D), Sen. Chuck Swysgood (R)

Members Absent: None.

Staff Present: Paul Sihler, Environmental Quality Council
Kelsey Chapman for Leanne Kurtz, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 423, HB 512, HB 599, HB 318
Executive Action: None.

HEARING ON HB 423

Opening Statement by Sponsor:

Representative Bob Gilbert, House District 22, said HB 423 would clarify that the Petroleum Tank Release Compensation Board will have hearings. Currently the board does not have Montana Environmental Protection Act (MEPA) hearings.

Proponents' Testimony:

Gene Reilly, Executive Director of the Petroleum Tank Release Compensation Board, spoke from written testimony (Exhibit #1).

Brian McNitt, Montana Environmental Information Center (MEIC), said that the petroleum release program was very well run, and added that MEIC would support any effort to make the program better. He said HB 423 would accomplish this goal.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

None.

Closing by Sponsor:

Representative Gilbert closed on HB 423.

HEARING ON HB 512

Opening Statement by Sponsor:

Representative Bob Gilbert, House District 22, said HB 512 was an incentive bill for those who deal with underground storage tanks. He said that House amendments struck the word "underground" and inserted "petroleum". He said petroleum compensation covered both underground and above ground petroleum tanks that did not exceed 30,000 gallons. HB 512 provides that a person who installs a double walled tank which leaks would be compensated by the petroleum board at 100 percent of the loss rather than the normal compensation rate of 50 percent of the first \$35,000. He said this would provide incentive for people to install these tanks. He noted HB 512 would also change the reimbursement for small tanks from 50 percent of the first \$35,000 to 50 percent of the first \$10,000, and 100 percent of the subsequent cost to match a reimbursement of \$495,000.

Proponents' Testimony:

Frank Gessaman, Montana Department of Health and Environmental

ROLL CALL

SENATE COMMITTEE Natural Resources DATE 3/24/93

NAME	PRESENT	ABSENT	EXCUSED
Bianchi			X
Hockett	X		
Bartlett	X		
Doherty	X		
Grosfield	X		
Keating	X		
Kennedy	X		
McClerman	X		
Swift	X		
Swysgood			X
Treit	X		
Weeding	X		
Weldon	X		

Testimony on HB 423

Jean Riley

Petroleum Tank Release Compensation Board

The Petroleum Tank Release Compensation Board (Board) supports HB 423. This language allows the Board the option of conducting hearings as other Boards do. The Board could appoint a hearings officer to gather all pertinent information without the Board members present. The Board could then make a determination at a regular scheduled meeting after reviewing the information and recommendations. Presently all hearings have to be conducted at a Board meeting. This takes a substantial amount of time from other business such as claim reviews and eligibility determinations. The Board asks for your support on HB 423.

Thank you for your time.

SENATE NATURAL RESOURCES
EXHIBIT NO. 1
DATE 3-24-93
BILL NO. HB 423

DATE 3/24/93

SENATE COMMITTEE ON Natural Resources

BILLS BEING HEARD TODAY: HB 423, HB 512, HB 599,
HB 318

Name	Representing	Bill No.	Check One Support Oppose	
DEX MANUEL	GENEX	HB 318	✓	
Dexter Busby	Montana Refining	HB 318	✓	
Susan Callaghan	Mont. Power	HB 318	✓	
Jeff Chelle / Hon Sensibaugh / Tim Baker	DHES - Air Quality Bureau	HB 318	✓	
Lance Clark	MT Assn Realtors	HB 512	✓	
FRANK Gossman	DHES	HB 512	✓	
Brian McNitt	MEIC	HB 423 HB 512 HB 518	X	
Jim Mockler	MT Coal Comm.	HB 318	✓	
Janelle Fallan	MT Petroleum	HB 318	✓	
Tammy Johnson	CURE	HB 599	✓	
Eric Williams	Pegasus Gold	HB 318 HB 599	X	
Ronna Alexander	Int. Pet. Marketers	HB 512	X	
Mike Micone	Conoco	HB 318	X	
David Ross	MT Audubon Legislative	HB 318	X	
"	"	HB 512	X	
Terry R. Gatto	Chem-Northern, Inc.	HB 599	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

EXECUTIVE ACTION ON HOUSE BILL 448

Motion/Vote:

Senator Swift moved House Bill 448 BE CONCURRED IN. The motion CARRIED. Senator Grosfield agreed to carry the bill on the floor.

EXECUTIVE ACTION ON HOUSE BILL 571

Discussion:

Senator McClernan moved House Bill 571 BE CONCURRED IN. The motion CARRIED. Senator Jacobson will carry the bill on the floor.

EXECUTIVE ACTION ON HOUSE BILL 423

Motion/Vote:

Senator Weeding moved House Bill 423 BE CONCURRED IN. Motion CARRIED. Senator Weeding agreed to carry the bill on the floor.

EXECUTIVE ACTION ON HOUSE BILL 512

Motion/Vote:

Senator Weldon moved House Bill 512 BE CONCURRED IN. Motion CARRIED. Senator Weldon agreed to carry the bill on the floor.

EXECUTIVE ACTION ON HB 532

Motion/Vote:

Senator Weeding moved House Bill 532 BE CONCURRED IN. Motion CARRIED. Senator Bruski-Maus will carry the bill on the floor.

DISCUSSION ON HB 442

Chair Bianchi said Jim Jensen had been asked to get together with Gary Langley and bring some suggestions back to the Committee for amendments to HB 442. Dennis Olson, Northern Plains Resource Council (NPRC) discussed Mr. Jensen's efforts to draft amendments acceptable to Mr. Langley. Mr. Sihler said this bill has a conflict with SB 320 and needs amendments. The Committee decided to postpone action on HB 442.

ROLL CALL

SENATE COMMITTEE Natural Resources DATE 3/26/93

NAME	PRESENT	ABSENT	EXCUSED
Bianchi	✓		
Hockett	✓		
Bartlett	✓		
Doherty	✓		
Grosfield	✓		
Keating	✓		
Kennedy	✓		
McClerman	✓		
Swift	✓		
Swysgood	✓		
Treit	✓		
Weeding	✓		
Weldon	✓		

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1993

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 423 (third reading copy -- blue), respectfully report that House Bill No. 423 be concurred in.

Signed: Don Bianchi
Senator Don Bianchi, Chair